

**1996-2000 Bathurst Street – Zoning Amendment
Application and Rental Housing Demolition Application
under Municipal Code Chapter 667 – Final Report**

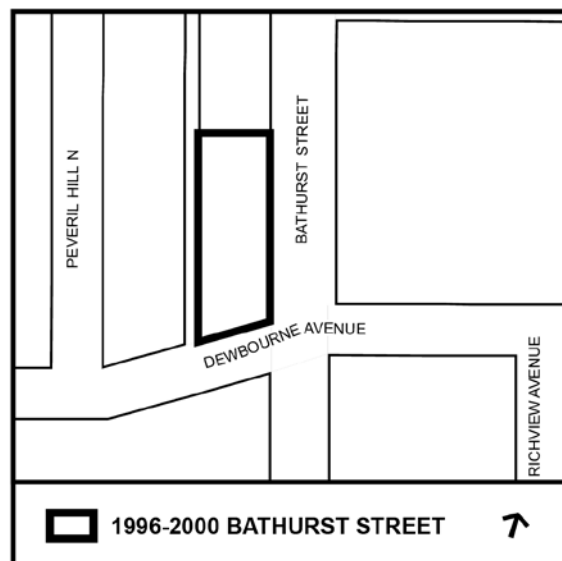
Date: January 26, 2017
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Ward: Ward 21 – St. Paul's
Reference Numbers: 15 270565 STE 21 OZ & 15 270570 STE 21 RH

SUMMARY

This application proposes two 6-storey rental apartment buildings containing a total of 112 residential rental units, including 62 rental replacement units, at 1996-2000 Bathurst Street. A 2-level below grade parking garage is proposed to extend beneath both buildings. The three existing rental apartment buildings on the site will be demolished.

The proposed development generally complies with the Official Plan policies and guidelines that apply to *Mixed Use Areas*. The proposal is in keeping with the Council-approved policies in Official Plan Amendment (OPA) 320, which strengthens the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies (currently under appeal). The lands to the south, east and west of the subject site are designated *Neighbourhoods*.

The proposal would include the demolition of the 62 existing residential rental units, located within 3 rental apartment buildings. An application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) has been submitted to permit the demolition of the existing rental residential units.



This report reviews and recommends approval of the applications to amend the Zoning By-laws and Rental Housing Demolition Application under Section 111 of the *City of Toronto Act*, subject to conditions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 1996-2000 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to the report from the Director, Community Planning, Toronto and East York District dated January 26, 2017.
2. City Council amend Zoning By-law 1-83 for the lands at 1996-2000 Bathurst Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to the report from the Director, Community Planning, Toronto and East York District dated January 26, 2017.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the Owner to revise the drawings to show the ability of the collection vehicle to enter and exit the site in a forward motion with no more than a three-point turn on private property to the satisfaction of the General Manager, Solid Waste Management Services.
5. Before introducing the necessary Bills to City Council for enactment, require the Owner to revise the hydrogeological assessment to the satisfaction of General Manager, Toronto Water.
6. Before introducing the necessary Bills to City Council for enactment, require the Owner to submit a revised functional servicing report to the satisfaction of Executive Director, Engineering & Construction Services.
7. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:

Prior to issuance of an above grade building permit, the Owner shall make an indexed cash contribution to the City in the amount of \$150,000 (\$75,000 to be paid prior to the issuance of an above grade building permit for Phase A and \$75,000 to be paid prior to the issuance of an above grade building permit for Phase B) to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, toward any one or more of the following:

- a) Local streetscape improvements;
- b) Local parks improvements; and
- c) Improvements to local community facilities.

Such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

b. In the event the cash contribution referred to in Section a has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

c. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- i. The Owner shall pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report, to be submitted for review and acceptance by the Executive Director of Engineering & Construction Services, should it be determined that improvements to such infrastructure are required to support this development.
- ii. The Owner shall provide and maintain not less than thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street and twenty-three (23) replacement rental dwelling units at 1998-2000 Bathurst Street as rental housing for a period of at least twenty (20) years, comprising of six (6) bachelor units and seventeen (17) two-bedroom units at 1996 Bathurst Street and eight (8) bachelor units, twenty-four (24) one-bedroom units, and

seven (7) two-bedroom units at 1998-2000 Bathurst Street, as shown on the plans submitted to the City Planning Division dated July 7, 2016 with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning Division. All thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street and twenty-two (22) replacement rental dwelling units at 1998-2000 Bathurst Street shall have affordable rents and one (1) two-bedroom unit at 1998-2000 Bathurst Street shall have a rent level no higher than mid-range rent for a period of at least ten (10) years;

- iii. The Owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental building, including an extended notice period, financial compensation beyond the minimum requirements set out in the *Residential Tenancies Act*, and the right to return to a replacement rental dwelling unit for all of the tenants (the "Tenant Relocation and Assistance Plan"), and the Tenant Relocation and Assistance Plan shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- iv. The Owner shall provide, at its expense and to the satisfaction of the Chief Planner and Executive Director, City Planning Division, a tenant Construction Mitigation Strategy and Communication Plan for the development prior to the issuance of the first building permit for the development, and agrees to implement same;
- v. The Owner shall enter into, and register on title, one or more Section 111 Agreement(s) to secure the conditions outlined in ii - iv above and as detailed in the Draft Zoning By-law Amendments (Attachment Nos. 8 and 9) to the report from the Director, Community Planning, Toronto and East York District dated January 26, 2017, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and
- vi. The Owner shall enter into, and register on title, a Section 118 Restriction under the *Land Titles Act*, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the sixty-two (62) replacement rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate, to

assist with securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.

8. City Council approve the application for a Section 111 permit in accordance with Municipal Code Chapter 667 to allow the demolition of the existing 39 rental dwelling units located at 1996 Bathurst Street and the existing 23 rental dwelling units located at 1998 and 2000 Bathurst Street subject to the following conditions:
 - a. The Owner shall provide and maintain not less than thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street and twenty-three (23) replacement rental dwelling units at 1998-2000 Bathurst Street as rental housing for a period of at least 20 (twenty) years, comprising of six (6) bachelor units and seventeen (17) two-bedroom units at 1996 Bathurst Street and eight (8) bachelor units, twenty-four (24) one-bedroom units, and seven (7) two-bedroom units at 1998-2000 Bathurst Street, as shown on the plans submitted to the City Planning Division dated July 7, 2016, with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning Division. All thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street and twenty-two (22) replacement rental dwelling units at 1998-2000 Bathurst Street shall have affordable rents and one (1) two-bedroom unit at 1998-2000 Bathurst Street shall have a rent level no higher than mid-range rent for a period of at least ten (10) years;
 - b. The Owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental building, including an extended notice period, financial compensation beyond the minimum requirements set out in the *Residential Tenancies Act*, and the right to return to a replacement rental dwelling unit for all of the tenants (the "Tenant Relocation and Assistance Plan"), and the Tenant Relocation and Assistance Plan shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - c. The Owner shall provide, at its expense and to the satisfaction of the Chief Planner and Executive Director, City Planning Division, a tenant Construction Mitigation Strategy and Communication Plan for the development prior to the issuance of the first building permit for the development, and agrees to implement same;
 - d. The Owner shall enter into, and register on title, one or more Section 111 Agreement(s) to secure the conditions outlined in (a)

and (b) above and as detailed in the Draft Zoning By-law Amendments (Attachment Nos. 8 and 9) to the report from the Director, Community Planning, Toronto and East York District dated January 26, 2017, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and

- e. The Owner shall enter into, and register on title, a Section 118 Restriction under the *Land Titles Act*, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the sixty-two (62) replacement rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.
9. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval for the application under Municipal Code Chapter 667 for the demolition of the 23 rental dwelling units at 1998 and 2000 Bathurst Street after all of the following have occurred:
 - a. Satisfaction or securing of the conditions in Recommendations 8 and 9;
 - b. The Zoning By-law Amendments have come into full force and effect;
 - c. The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner or her designate, pursuant to Section 114 of the City of Toronto Act, 2006; and
 - d. The issuance of excavation and shoring permits for the herein approved redevelopment of the site.
 10. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 for 1998 and 2000 Bathurst Street after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 8 for the demolition of the existing 23 rental dwelling units.
 11. City Council authorize the Chief Building Official to issue a demolition permit under Section 33 of the Planning Act for the 23 existing residential units at 1998 and 2000 Bathurst Street no earlier than the issuance of the

- first Building Permit for the foundation of the development and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 9, which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code, on condition that:
- a. the Owner erect a residential building on site no later than 3 years from the day demolition of the buildings is commenced; and
 - b. should the Owner fail to complete the new building within the time specified in Condition 10 (a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
12. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval for the application under Municipal Code Chapter 667 for the demolition of the 39 rental dwelling units at 1996 Bathurst Street after the following has occurred:
- a. All twenty-three (23) of the replacement rental units at 1998 and 2000 Bathurst Street are ready and available for occupancy.
13. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 for 1996 Bathurst Street after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 11 for the demolition of the existing rental dwelling units.
14. City Council authorize the Chief Building Official to issue a demolition permit under Section 33 of the Planning Act for the existing 39 residential units at 1996 Bathurst Street no earlier than the issuance of the first Building Permit for the foundation of the development and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 11, which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code, on condition that:
- a. the owner erect a residential building on site no later than 3 years from the day demolition of the buildings is commenced; and
 - b. should the owner fail to complete the new building within the time specified in Condition 13 (a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal

taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

15. City Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreements.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report dated January 28, 2016 regarding this application is available at:

<http://www.toronto.ca/legdocs/mmis/2016/te/bgrd/backgroundfile-90002.pdf>

ISSUE BACKGROUND

Proposal

The proposal is to construct two new 6-storey rental apartment buildings in two phases at 1996-2000 Bathurst Street. The three existing rental apartment buildings on the site at 1996, 1998 and 2000 Bathurst Street containing 62 rental dwelling units will be demolished. The northern building (18.93 metres, plus 3.25 metre mechanical penthouse) will be constructed in Phase A and the southern building (19.7 metres plus 3.25 metre mechanical penthouse) will be constructed in Phase B. The two buildings will be adjoining (no internal connection) on the ground and second floors in the central portion of the site.

The proposed development consists of 8,611 square metres of residential gross floor area and a total of 112 residential units including 62 replacement rental units, of which 23 units will be located in Phase A and 39 units in Phase B. The Site Plan and Elevations are included in Attachments 1-4 and additional project information is included in Attachment 6 (Application Data Sheet).

Table 1: Proposed Unit Breakdown

Unit Type	Rental Replacement Units	New Market Rental Units	Total
Bachelor	14	0	14
1 - Bedroom	24	35	59
2 - Bedroom	24	15	39

Total	62	50	112
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The proposal provides for 290 square metres of indoor amenity space on the ground floor (Phase A: 118 square metres; Phase B: 172 square metres), and 103 square metres of outdoor amenity space. The proposed density is 3.4 times the area of the lot.

The proposed buildings will include setbacks and stepbacks as follows:

Table 2: Proposed Setbacks/Stepbacks

Floor(s)	Setbacks/Stepbacks	
1 – 4	0.9 metres – north property line (Phase A) 0.0 metres – south / Dewbourne Avenue property line (Phase B) 0.5 metres – east / Bathurst Street property line 3.7 metres – west / rear property line (after conveyance) <i>Note: northwest corner of Phase A will be located 0.0 metres from the west / rear property line (first floor only)</i>	
5	6.7 metres – west / rear property line (after conveyance) 1.2 metres - south / Dewbourne Avenue property line (irregular stepback)	
6	9.9 metres – west / rear property line (after conveyance)	
Mechanical Penthouse	Phase A 2.4 metres – north 6.1 metres – east 13.5 metres - west	Phase B 5.0 metres – south 6.0 metres – east 13.5 metres – west <i>Note: 10.6-metre separation distance between mechanical penthouses for Phases A and B.</i>

The ground and second floors of both buildings will be set back an additional 2.3 metres along the east lot line on Bathurst Street. The proposed buildings will have a separation distance of 3.4 metres and no windows are proposed between the buildings. The proposed buildings will be set back a minimum of 6.1 metres from Bathurst Street and 5.7 metres from Dewbourne Avenue, with a minimum sidewalk width of 2.1 metres on both streets.

The residential entries for both buildings will be on the Bathurst Street frontage and located on either side of the walkway separating the buildings.

Residential parking is proposed in a 2-level underground parking garage, comprised of 66 residential parking spaces including 10 visitor spaces. The parking garage will extend under both buildings with the access ramp located in Phase A. An additional 2 car share parking spaces will be provided on the

ground at the rear of Phase A. One Type G loading space will be provided as part of Phase A with an informal loading space to be located at the rear of Phase B. A total of 115 bicycle parking spaces are proposed including 12 visitor bicycle parking spaces, located on the ground floor and within the below-grade garage.

The site will be accessed from the public laneway to the west/rear. As part of the proposed development, a lane widening of 1.06 metres will be provided to increase the width of the laneway to 6.0 metres. Garbage and loading facilities will be located on-site.

The Rental Demolition and Conversion Application for a Section 111 permit proposes the demolition and replacement of all 39 existing rental residential units located at 1996 Bathurst Street and all 23 existing rental residential units located at 1998 and 2000 Bathurst Street. The replacement rental residential units will be located on floors 1 – 4 within both proposed 6-storey residential buildings. Affected tenants in the existing buildings will have the right to return to one of the replacement rental residential units and receive appropriate notice and financial assistance with the relocation, as described in this report. All the replacement rental dwelling units will offer affordable and mid-range rents.

Site and Surrounding Area

The subject site is located at the northwest corner of Bathurst Street and Dewbourne Avenue. The site is currently occupied by three rental apartment buildings containing a total of 62 rental residential units: two 3 ½ -storey buildings containing 39 and 19 units at 1996 and 1998 Bathurst Street; and one 2-storey building containing 4 units at 2000 Bathurst Street. In total, the three rental apartment buildings contain 14 bachelor, 24 one-bedroom and 24 two-bedroom rental residential units. At the time this application was submitted, 61 of the existing rental residential units had affordable rents and one (1) unit had rent at the mid-range level. As of the date of this report, many of the existing rental dwelling units were occupied.

The site is rectangular in shape and the grade of the lands decreases north of Dewbourne Avenue. The site has an approximate area of 2,506 square metres and has frontage of approximately 109 metres on Bathurst Street and 31 metres on Dewbourne Avenue. The right-of-way width is approximately 26 metres along Bathurst Street and 20 metres along Dewbourne Avenue. The site abuts a public laneway to the west/rear.

The following uses abut the site:

North: Two-storey detached houses containing a mix of residential and office uses.

South: A place of worship (Holy Blossom Temple) and an associated private school.

East: A low-rise *Neighbourhood* consisting of two and three-storey detached dwellings. To the southeast are two and three-storey walk-up apartment buildings fronting onto Bathurst Street.

West: A public laneway approximately 5.1 metres in width running north-south from Dewbourne Avenue. On the west side of the laneway is a low-rise *Neighbourhood* consisting of two-storey detached dwellings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; providing an appropriate range of housing types and affordability to meet projected requirements of current and future residents; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; providing housing options to meet the needs of people at any age; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required, by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe. Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated in the City's Official Plan as *Mixed Use Areas* on Map 17 - Land Use Plan. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks, open spaces and utilities.

Within *Mixed Use Areas*, the Official Plan policies indicate that new buildings should provide appropriate transition between areas of different intensity and scale, particularly towards lower scale *Neighbourhoods*. New buildings should provide a comfortable, safe pedestrian environment and be located and massed to frame streets with good proportion. New development should take advantage of nearby transit services, and should provide good access, parking and circulation, among other matters.

OPA 320 (*Neighbourhoods Policies*)

The lands to the south, east and west of the subject site are designated *Neighbourhoods*. As part of the City's ongoing Official Plan Five Year Review, City Council adopted OPA 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in Apartment Neighbourhoods.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant, but not determinative in terms of the Official Plan policy framework.

OPA 320 resulted in policy revisions to Section 2.3.1.3, Healthy Neighbourhoods, of the Official Plan. The revised policies state that development within *Mixed Use Areas* that is adjacent or close to *Neighbourhoods* will:

- a) be compatible with those *Neighbourhoods*;
- b) provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c) maintain adequate light and privacy for residents in those *Neighbourhoods*;
- d) orient and screen lighting and amenity areas so as to minimize impacts on adjacent properties in those *Neighbourhoods*;
- e) locate and screen service areas and access to underground parking, locate any surface parking so as to minimize impacts on adjacent properties in those *Neighbourhoods*, and enclose service and access areas where distancing and screening do not sufficiently mitigate visual and noise impacts upon adjacent properties in those *Neighbourhoods*; and
- f) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Official Plan Amendment 320 as adopted by City Council is available on the City's website at: <http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

Housing Policies

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Official Plan Policy 3.2.1.6 requires that new development that results in the loss of six or more rental housing units which have affordable or mid-range rents will not be approved unless the following are secured:

- At least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
- For a period of at least 10 years rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- An acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship.

Mixed Use Areas

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks and open spaces and utilities.

Development in *Mixed Use Areas* is subject to development criteria to: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*; locate and mass new buildings to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and, provide indoor and outdoor recreation space for residents in multi-unit residential buildings.

This proposal has been reviewed against the policies described above as well as the policies of the Official Plan as a whole, including healthy neighbourhoods, public realm and built form policies.

Mid-Rise Building Design Guidelines

In July 2010, Council directed staff to use the Mid-Rise Buildings Performance Standards in the evaluation of mid-rise building development proposals on the *Avenues*. The vision for the *Avenues* is one of animated sidewalks and buildings that frame the street, with heights that are proportionate to the right-of-way widths and transition to *Neighbourhoods*. The Mid-Rise Guidelines set performance standards that are guided by the objective to create healthy, liveable and vibrant main streets while protecting the stability and integrity of adjacent neighbourhoods. In November 2013, Council adopted an extended monitoring period in order to measure the effectiveness of the Standards.

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum (April 20, 2016). The Addendum is to be used by City Staff together with the Mid-Rise Building Performance Standards (2010) during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable. The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as Council considers and adopts updated Mid-Rise Building Design Guidelines, which is targeted for the fourth quarter of 2017.

More information regarding Council's Decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7>

The Mid-Rise Building Performance Standards Addendum (April 20, 2016) is available at:

<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>

This portion of Bathurst Street is not identified as an *Avenue* in the Official Plan and thus the Mid-Rise Guidelines do not apply to the subject site. However, the performance standards can be applied to assist in evaluating mid-rise buildings more generally. The performance standards for mid-rise buildings were considered during the review of the application.

The height of a mid-rise building varies from street to street, with such buildings generally defined as being no taller than the width of the adjacent right-of-way. In this case, the approximate right-of-way width adjacent to the subject site is 26 metres along Bathurst Street and 20 metres along Dewbourne Avenue. This would suggest a building of 6 storeys (Dewbourne Avenue frontage) up to 8 storeys (Bathurst Street frontage) with appropriate setbacks or terraces on upper levels to reduce their visual impact. The proposed buildings will each have a height of 6 storeys (Phase A, 18.9 metres and Phase B, 19.7 metres plus mechanical penthouse). The guidelines recommend that development adjacent to *Neighbourhoods* transition down in height to the adjacent *Neighbourhood*, through the use of a 45 degree angular plane from the *Neighbourhood*, in order to limit the impact of shadowing on and to protect the privacy of the adjacent *Neighbourhoods*. The proposed buildings will include setbacks above the fourth

floor on the west/rear and south elevations. The buildings generally achieve a 45 degree rear angular plane, with a minor penetration of the 5th and 6th floor terraces and the inaccessible Green Roof.

Zoning

The subject site is zoned Residential Multiple Dwelling (RM) under City-wide Zoning By-law No. 569-2013, as amended and Residential (R1) under former City of York Zoning By-law 1-83, as amended. Both zoning by-laws permit residential units in detached, semi-detached, duplex, townhouse and triplex dwellings. The maximum permitted gross floor area is 1.0 times the lot area. The maximum permitted height is 3 storeys and 11.0 metres. A map of the existing zoning is included in Attachment 5.

Rental Housing Demolition and Conversion By-law

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Ontario Municipal Board (OMB).

The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the 39 rental dwelling units at 1996 Bathurst Street and the 23 rental dwelling units at 1998 and 2000 Bathurst Street. The applicant is proposing to replace all of the existing rental dwelling units with new rental units of at least the same unit mix, provide tenant relocation assistance, and all existing tenants will have the right to return to the replacement rental units.

Tree Preservation

The proposal would require the removal of 5 city-owned trees and 1 private tree along the Bathurst Street frontage. A total of 20 trees will be planted as part of the proposed development: 11 on the Bathurst Street frontage; 4 on the Dewbourne Avenue frontage; and 5 at the rear of the buildings adjacent to the public laneway. The proposed tree removals and plantings have been reviewed and accepted by Urban Forestry staff.

Site Plan Control

The proposal is subject to Site Plan Control. The applicant has submitted a Site Plan Control application for Phase A (Application No. 16 263773 STE 21 SA).

Reasons for Application

The proposed development does not comply with the zoning for the subject site, including the proposed building type (apartment), permitted density and minimum setbacks. The proposed density of 3.4 times the lot area exceeds the maximum density of 1.0 times permitted under the Zoning By-laws. The proposed height of 6-storeys (19.7 metres, plus 3.5 metre mechanical penthouse) exceeds the maximum permitted height of 3 storeys and 11 metres.

On January 4, 2016, the applicant submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition and replacement of the existing rental housing units as the subject lands contain 6 or more residential rental units.

Community Consultation

On March 8, 2016, a community consultation meeting was hosted by City Planning staff at Holy Blossom Temple (1950 Bathurst Street). Approximately 50 residents and other interested parties attended the meeting.

Concerns regarding the proposal were raised at the meeting, through verbal contact or by written submissions to the City Planning Division included the following:

- Parking deficiency for the site;
- Potential replacement of the TTC bus shelter adjacent to the site;
- Tenant relocation plan with comparable rent during construction;
- Accommodations for existing tenants with special needs;
- Expected timeline of the application review process, tenant relocation and completion of construction;
- Concerns regarding access to the rear public laneway during construction;
- Concerns regarding how comparable rents will be secured for tenants who decide to return once construction is complete;

- Concerns regarding the potential shadow impact on adjacent properties; and
- Concerns regarding the potential traffic impact in the area.

Tenant Consultation

Chapter 667 of the Municipal Code also requires a community consultation meeting that addresses rental housing matters. City Planning staff hosted this meeting on June 28, 2016 at the Holy Blossom Temple for tenants living at 1996, 1998, and 2000 Bathurst Street. Planning staff described the City's policies and practices when reviewing development applications involving the demolition of rental housing and outlined the various components of a Tenant Relocation and Assistance Plan. Approximately 25 tenants were in attendance. Tenants were generally concerned about special needs compensation and relocating within the area.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposed development conforms to the PPS (2014). It provides additional density within a settlement area through intensification and redevelopment to accommodate an appropriate range and mix of land uses (Policy 1.1.2). The intensification will meet appropriate development standards (Policy 1.1.3.4).

The PPS states that the municipal official plan is "the most important vehicle for implementation" of the PPS and that "comprehensive, integrated and long-term planning is best achieved through official plans".

With regard to providing a land use pattern, density and mix of uses that minimizes vehicle trips and supports public transit and other transportation modes (Policy 1.6.5.4), the development is within walking distance of Eglinton West subway station.

The proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The proposed residential uses are acceptable as they are permitted in the *Mixed Use Areas* designation of the Official Plan and in the Residential (RM and R1) districts in the Zoning By-laws.

Height, Massing and Transition

The Built Form and *Mixed Use Areas* policies of the Official Plan require that new development provide appropriate proportion between the building and the right-of-way. The Built Form policies in Section 3.1.2 of the Official Plan require new buildings to be located parallel to the street and on corner sites giving prominence to the corner. Section 4.5 further requires that development be massed to define the street edge at good proportion. *Mixed Use Areas* policy 2(e) reinforces the requirement that new buildings be massed to frame the edge of streets and parks with good proportion.

The proposed building height of 6 storeys (22.18 and 22.95 metres, respectively including mechanical penthouse) is acceptable given its location on Bathurst Street. The buildings have been massed to frame the street edge with setbacks that are generally consistent with the existing character of Bathurst Street. Stepbacks are proposed above the 4th floor on the west/rear and south/ Dewbourne Avenue façades to provide an adequate transition to the adjacent low-rise *Neighbourhood* to the west as set out in the Mid-Rise Building Design Guidelines.

The proposed development is set back 3.7 metres from the rear property line and 9.7 metres from the adjacent residential lots to the west (after the 1.06-metre conveyance for lane widening purposes). The proposed building generally meets a 45 degree angular plane, measured from the low-rise residential *Neighbourhood* to the west. The angular plane and the rear setback form an adequate transition from adjacent *Neighbourhoods* in this context.

As part of the Healthy Neighbourhoods policies in Section 2.3.1 of the Official Plan, development in *Mixed Use Areas* will provide a transition of scale and density through setbacks from adjacent *Neighbourhoods*. The Built Form policies under Section 3.1.2 of the Official Plan also require new development to create appropriate transitions in scale to neighbouring existing and planned buildings. In addition, the *Mixed Use Areas* policy 2(c) states that new development is to locate and mass new buildings to provide transition between areas of different development intensity and scale, through means such as setbacks, and stepping down of heights towards lower-scale neighbourhoods. Planning staff have determined that the proposed development has met the transition policies of the Official Plan through setbacks from the adjacent *Neighbourhood* and the application of a 45 degree angular plane.

The proposed development complies with the Official Plan policies respecting built form and compatibility with adjacent *Neighbourhoods*.

Sun, Shadow

Section 4.5, Policy 2(d) of the Official Plan states that development within *Mixed Use Areas* will contribute to the quality of life by locating and massing new

buildings to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes.

The applicant submitted a revised Shadow Impact Study by Quadrangle Architects Ltd dated July 7, 2016 in support of the proposed development. The study indicates that the incremental shadow of the proposed buildings on the rear yards of the adjacent residential properties to the west would be limited to the early morning (spring, summer and fall). Although the immediately abutting properties to the north are designated *Mixed Use Areas*, they consist of house-form buildings with rear yards. The shadows of the proposed development on those rear yards would also be limited to the early morning.

Planning staff are satisfied that the proposed buildings would adequately limit the shadow impact on the adjacent low-rise residential properties to the west and the house-form properties to the north.

Traffic Impact, Access, Parking

The subject site is located at the northwest corner of Bathurst Street and Dewbourne Avenue. The approximate right-of-way widths of these streets are 26 metres (Bathurst Street) and 20 metres (Dewbourne Avenue), which meet the planned right-of-way widths identified for these streets in the Official Plan. The site abuts a sub-standard public laneway to the rear. To satisfy the Official Plan requirement of a 6.0 metre wide laneway, the owner is required to convey a 1.06 metre strip of land along the west property line to the City. The lands to be conveyed must be free and clear of all physical and title encumbrances.

The applicant is proposing a total of 66 parking spaces (56 for residents and 10 for visitors) within a 2-level underground garage. The parking garage will extend under both buildings with the access ramp located in the northern building (Phase A). In addition to the above-noted parking spaces, 2 car share parking spaces will be provided at-grade at the rear of Phase A. The addition of 2 car share parking spaces allows for a reduction of 8 parking spaces from the zoning by-law requirements. As such, the overall parking supply would meet the minimum requirements of the zoning by-laws. A total of 115 bicycle parking spaces are proposed (103 for residents and 12 for visitors), located on the ground floor and within the below-grade garage. The proposed vehicular and bicycle parking is acceptable.

Servicing

Solid Waste Management staff have reviewed the servicing proposed for this development. The integral Type G loading space will be located at the rear of northern building (Phase A) and will have access via the rear public laneway. An informal loading space is also proposed at the rear of the southern building (Phase B). Staff have advised that the proposal is eligible for City solid waste collection. However, staff do not accept the transportation report from BA Group dated December 13, 2016, which would require a city garbage truck to reverse

into the public laneway when leaving the site. The drawings are required to show the ability of the City collection vehicle to enter and exit the site in a forward motion with no more than a three-point turn on private property.

The applicant will be required to satisfy all outstanding matters regarding solid waste collection to the satisfaction of the General Manager, Solid Waste Management Services.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The subject lands are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 1,533 m² or 61 % of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 251m².

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as 251 m² is not of a suitable size to develop a programmable park within the existing context of this development site. The site is also 620 metres from Glen Cedar Park with a playground amenity.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape

The Bathurst Street and Dewbourne Avenue streetscapes will be enhanced with the planting of 15 new trees. A 2.1-metre pedestrian clearway is proposed along both frontages, as well as a 0.6-metre wide edge zone for a total sidewalk width of 2.7 metres. 5 additional trees are proposed along the public laneway to the west of the site. These improvements are considered acceptable by staff.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. Section 37 may be used for development, excepting non-profit developments, with more than 10,000 square metres of gross floor area where the zoning by-law amendment increases the permitted density by at least 1,500 square metres and/or significantly increases the permitted height. While this

proposal falls below the density threshold, the owner has elected to provide a Section 37 contribution.

The community benefits to be secured in the Section 37 agreement are as set out in Recommendation 8 of this report.

Rental Housing

A Rental Housing Demolition Application under Chapter 667, pursuant to Section 111 of the *City of Toronto Act*, was filed on January 4, 2016 and was deemed complete in January of 2016. The applicant has proposed to replace the 39 rental dwelling units at 1996 Bathurst Street and the 23 rental dwelling units at 1998 and 2000 Bathurst Street that will be demolished on the first four floors of both the proposed 6-storey residential buildings. The rental replacement units will have the same unit mix as currently exists on the site and will be approximately the same size as the existing residential rental units proposed to be demolished.

For Phase A, the minimum unit size for bachelor units is 431 sq ft (40.0 sq m) and the minimum unit size for two-bedroom units is 744 sq ft (69.1 sq m). For Phase B, the minimum unit size for bachelor units is 480 sq ft (44.6 sq m), the minimum unit size for one-bedroom units is 581 sq ft (54.0 sq m), and the minimum unit size for two-bedroom units is 778 sq ft (72.3 sq m).

The total Gross Floor Area for the 23 replacement rental dwelling units at 1998 and 2000 Bathurst Street will be approximately 95% of the total Gross Floor Area of the existing rental dwelling units, and the total Gross Floor Area for the 39 replacement rental dwelling units at 1996 Bathurst Street will be approximately 110% of the total Gross Floor Area of the existing rental dwelling units. The owner covenants and agrees that the replacement rental units will be provided on the 1st, 2nd, 3rd and 4th floors of both proposed buildings in accordance with the rental Floor Plans dated July 7, 2016, and any changes shall be to the satisfaction of the Chief Planner and Executive Director.

According to the 2015 rent rolls and the November 15, 2016 floor plans submitted by the applicant, the following table details the unit mix by unit type, which is the same for both the existing rental dwelling units and proposed rental replacement dwelling units (refer to Table 3 below). At the time of the rental housing application, 61 of the 62 existing rental dwelling units were affordable and one (1) two-bedroom unit at 2000 Bathurst was mid-range.

Table 3: Existing and Proposed Breakdown of Rental Units

Unit Type	Phase A (1998 and 2000 Bathurst St)	Phase B (1996 Bathurst St)	Total
Bachelor	6	8	14
1 - Bedroom	0	24	24
2 - Bedroom	17	7	24
Total	23	39	62

Building Amenities

The replacement rental units will all have access to the laundry facilities, replacement parking spaces, and interior and outdoor amenity spaces being provided for the entire building.

Rents and Tenure for the Replacement Rental Units

The applicant has agreed to provide and maintain 23 replacement rental dwelling units in the proposed Phase A building (1998 and 2000 Bathurst Street) and 39 replacement rental dwelling units in the proposed Phase B building (1996 Bathurst Street) for at least 20 years, beginning from the date that each rental replacement unit is first occupied and until the owner obtains approvals for a zoning by-law amendment removing the requirement for the rental replacement units to be maintained as rental units.

At the time of application, the existing building at 1996 Bathurst Street contained 39 affordable units and the existing buildings at 1998 and 2000 Bathurst Street contained 22 affordable units and one (1) mid-range unit, located at 2000 Bathurst Street. The applicant has agreed to secure the same rent mix for the replacement rental dwelling units for at least 10 years.

Tenant Relocation and Assistance and Construction Mitigation Plans

The owner has agreed to provide tenant relocation and assistance beyond what is required under provincial legislation. Tenants will receive: at least 6 months notice to vacate their rental unit before being required to vacate for the demolition; financial compensation equal to 3 months rent as per the *Residential Tenancies Act*; additional compensation based on length of tenure; a \$1,500 moving allowance; and the right to return to a replacement rental dwelling units within the new building at rent similar to their current rent. Special Needs Compensation will be provided to tenants requiring additional financial or other assistance.

The tenant population at 1996, 1998 and 2000 Bathurst Street is comprised of many families and shift-workers, such as caregivers and nannies. To help mitigate noise disruptions and other construction related issues, a construction mitigation strategy and communication plan for tenants of 1996 Bathurst Street will be implemented by the applicant, in consultation with City staff. The goal of

the construction mitigation strategy and communication plan is to help ensure there is no displacement of the current population due to the construction of Phase A.

Staff is recommending that Council approve the demolition of the 23 rental dwelling units at 1998 and 2000 Bathurst Street and the 39 rental dwelling units at 1996 Bathurst Street on the condition that the applicant provide for the replacement rental housing and tenant assistance as outlined in this report and enter into a Section 111 agreement to the satisfaction of the Chief Planner to secure these conditions.

CONCLUSION

The proposed 6-storey mid-rise buildings are considered appropriate for the site. The application proposes to replace the existing 62 rental residential units and construct an additional 60 residential units on site (112 residential units). The proposal meets the Official Plan criteria for redevelopment, provides a downward transition in scale to the low-rise residential properties to the west and is consistent with the Mid-rise Building Design Guidelines. As such, this report recommends approval of the applications to amend the Zoning By-laws and to permit the demolition of the existing rental residential units.

CONTACT

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Narmadha Rajakumar, Policy Planner
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E-mail: Narmadha.Rajakumar@toronto.ca

SIGNATURE

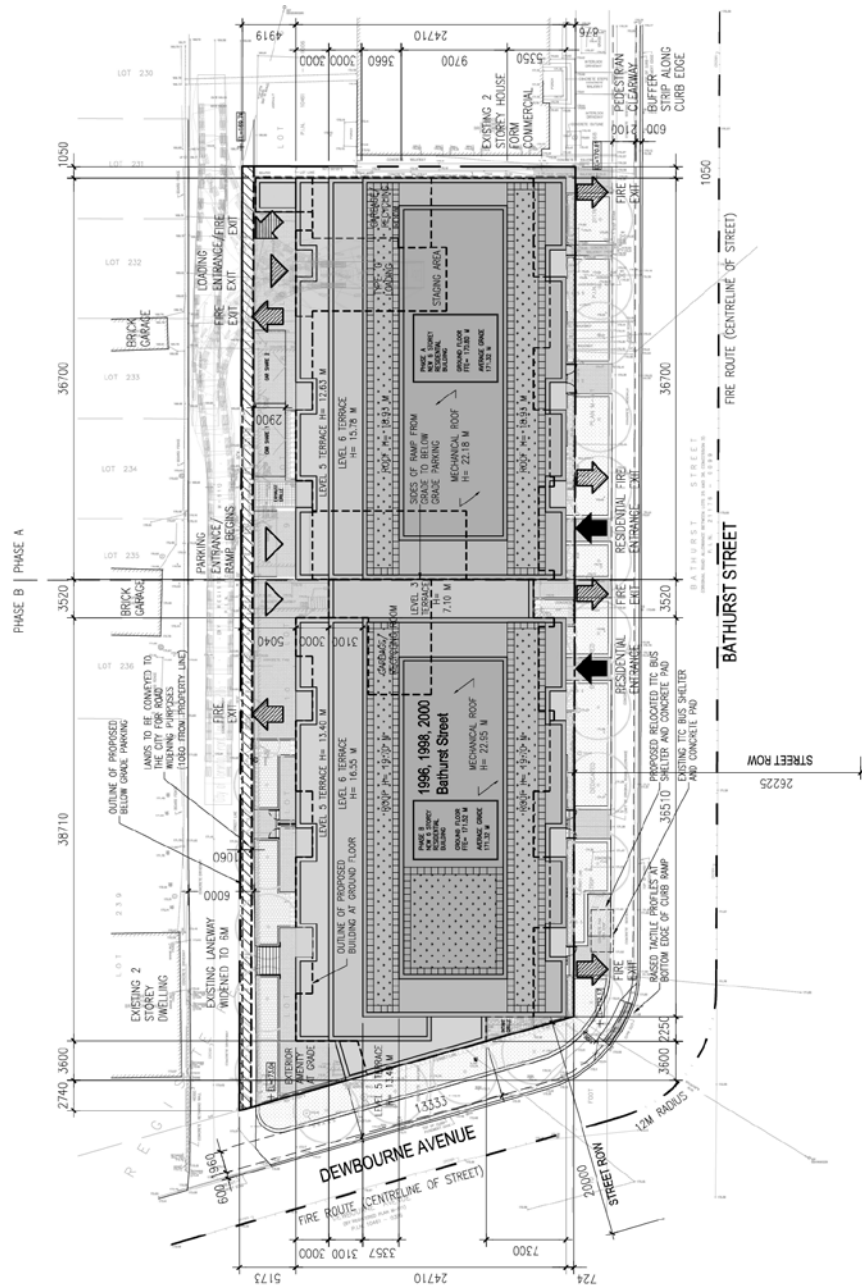
Gregg Lintern MCIP RPP, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: North Elevation
- Attachment 3: South Elevation
- Attachment 4: East Elevation
- Attachment 5: West Elevation
- Attachment 6: Zoning
- Attachment 7: Application Data Sheet
- Attachment 8: Draft Zoning By-law Amendment (569-2013)
- Attachment 9: Draft Zoning By-law Amendment (1-83)

Attachment 1: Site Plan



Site Plan

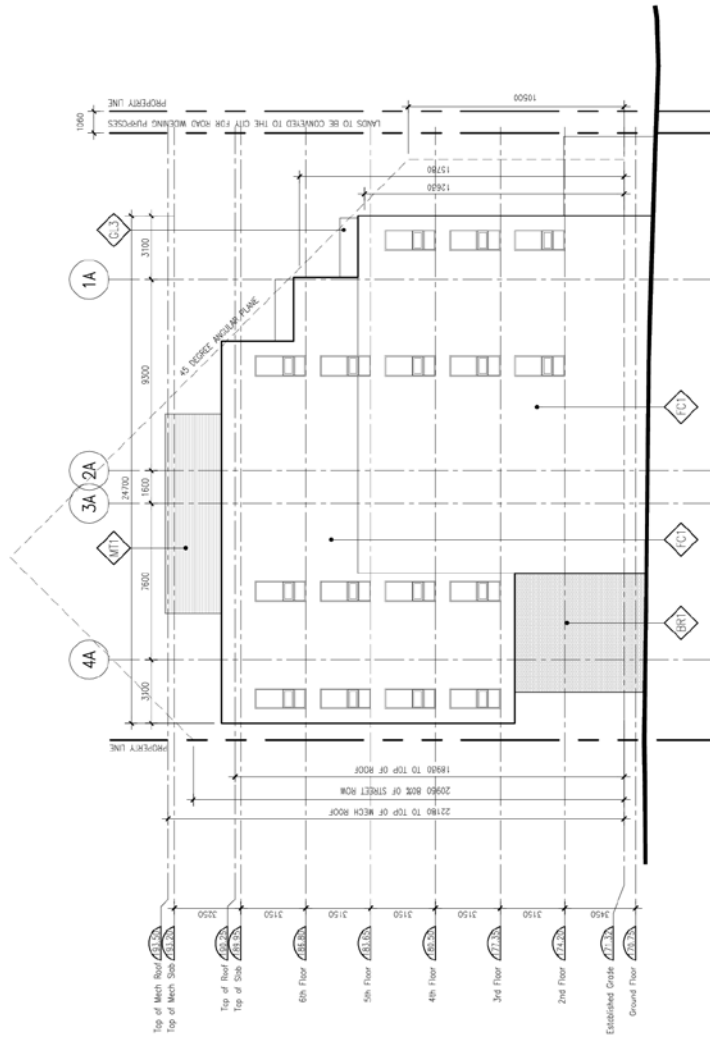
1996 - 2000 Bathurst Street

Applicant's Submitted Drawing

Not to Scale 
01/16/2017

File # 15 270565 STE 21 0Z

Attachment 2: North Elevation



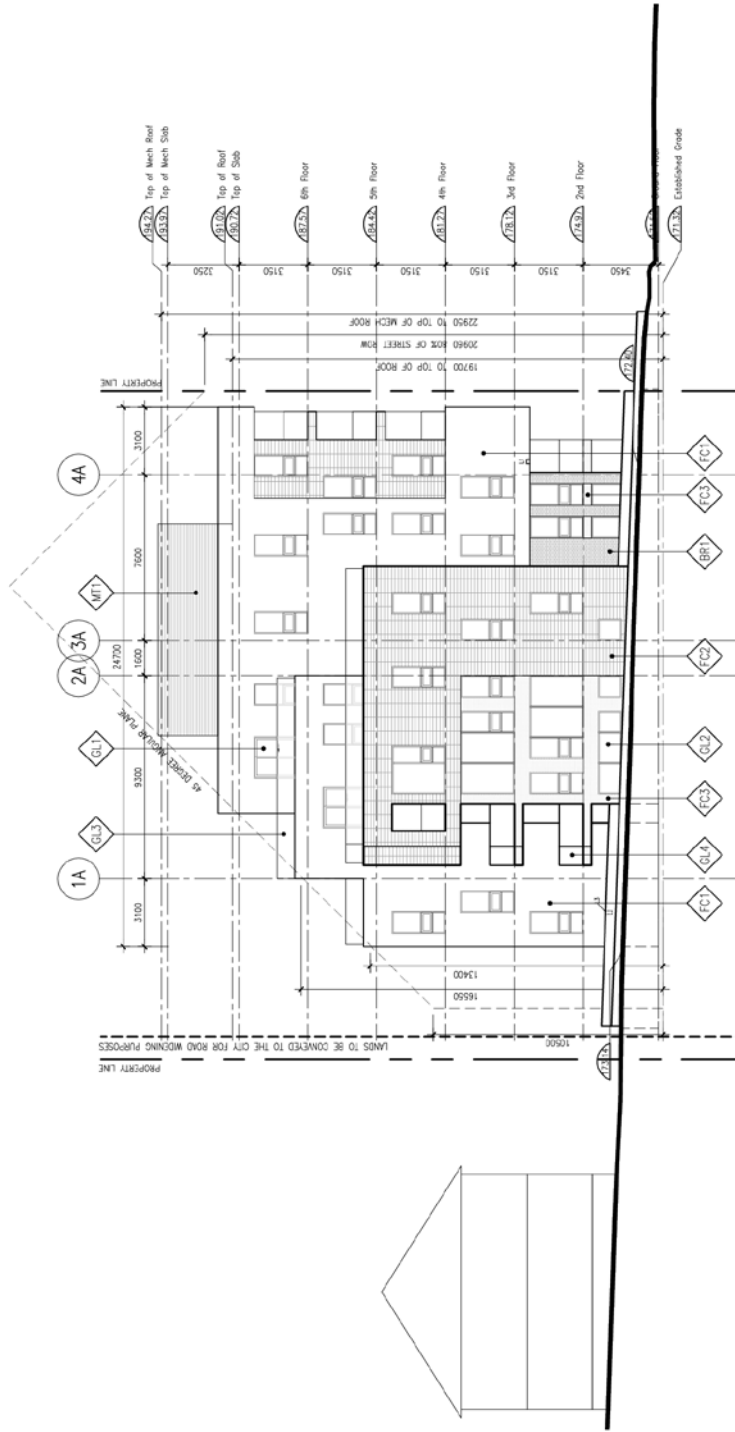
1996 - 2000 Bathurst Street

North Elevation
 Applicant's Submitted Drawing

Not to Scale
 01/16/2017

File # 15 270565 STE 21 0Z

Attachment 3: South Elevation

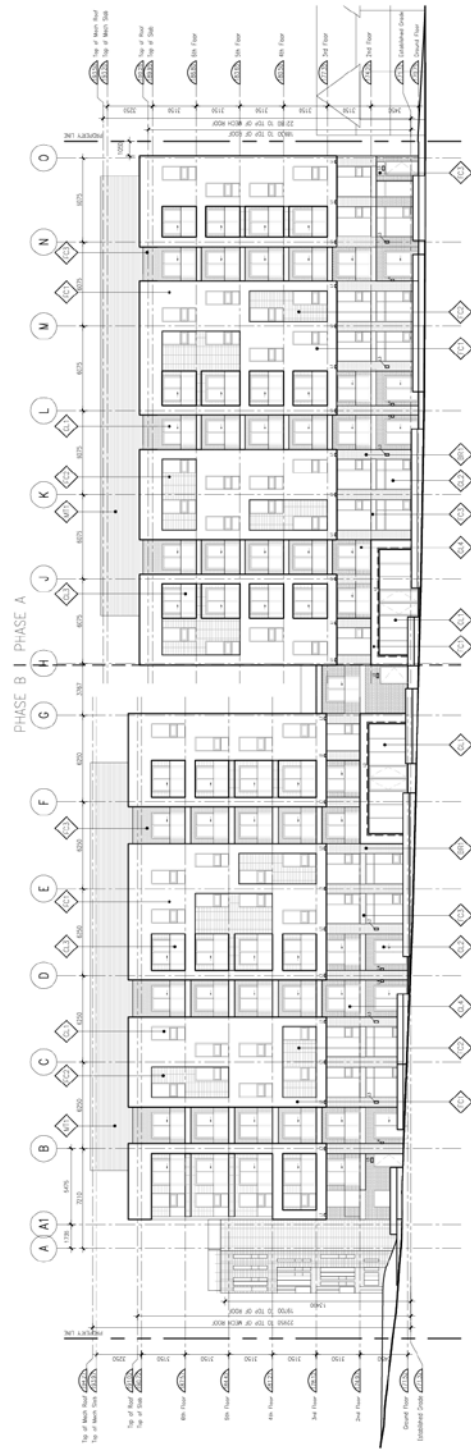


South Elevation
 Applicant's Submitted Drawing

Not to Scale
 01/16/2017

File # 15 2705665 STE 21 0Z

Attachment 4: East Elevation



1996 - 2000 Bathurst Street

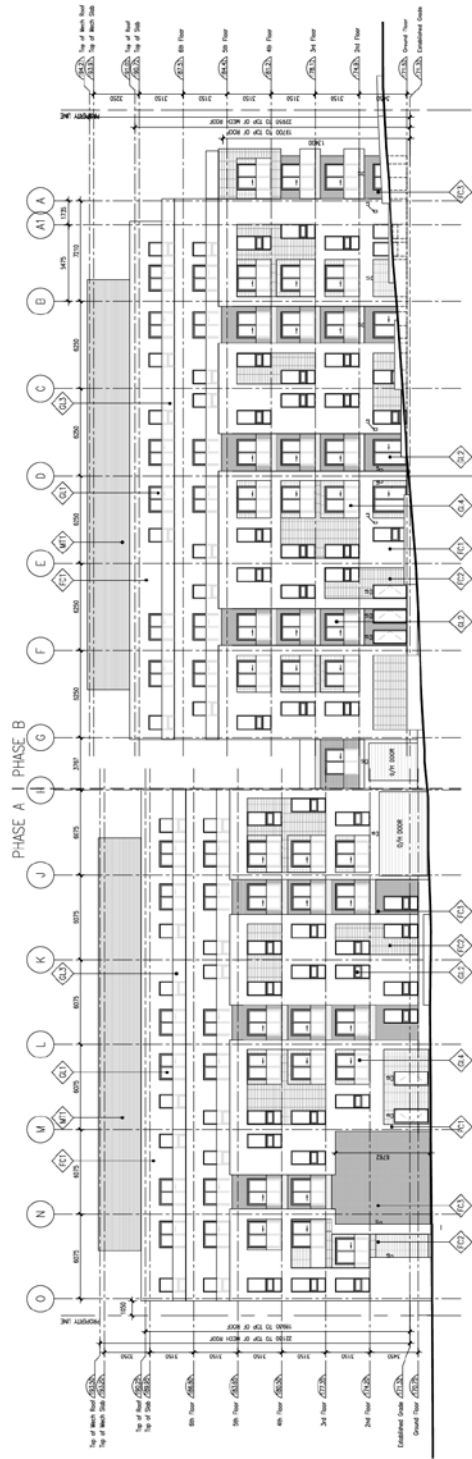
East Elevation

Applicant's Submitted Drawing

Not to Scale
01/16/2017

File # 15 2705665 STE 21 0Z

Attachment 5: West Elevation



1996 - 2000 Bathurst Street

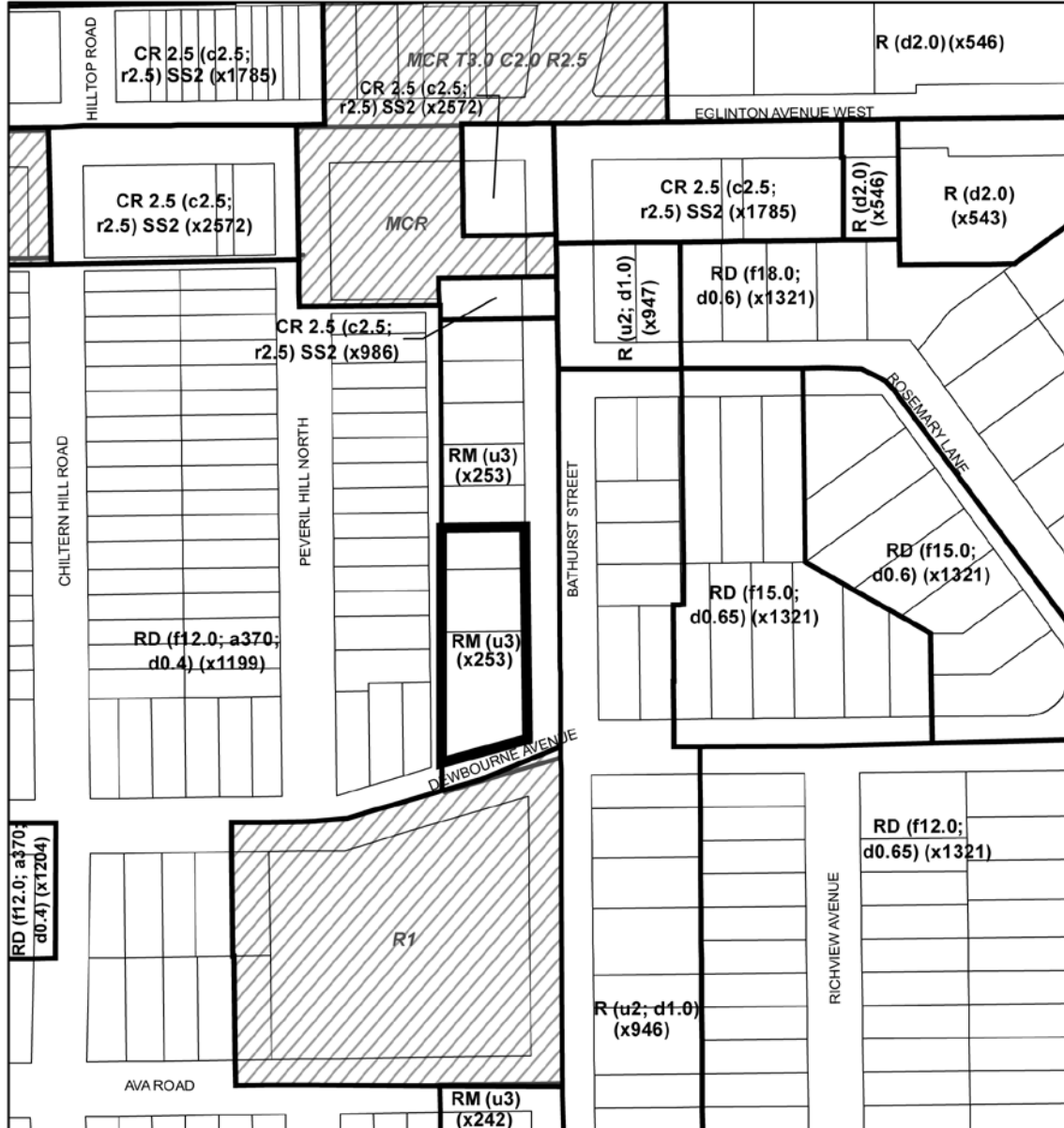
West Elevation
 Applicant's Submitted Drawing

Not to Scale
 01/16/2017

File # 15 2705665 STE 21 0Z

Attachment 6: Existing Zoning

Figure 1



Zoning By-Law No. 569-2013

1996-2000 Bathurst Street

File # 15 270565 STE 21 0Z

Location of Application

See Former City of Toronto By-Law No. 438-86
MCR Mixed-Use District

R Residential
RD Residential Detached
RM Residential Multiple
CR Commercial Residential

See Former City of York By-Law No. 1-83
R1 Residential Zone
MCR Mixed Commercial Zone



Not to Scale
Extracted: 01/14/2016

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	15 270565 STE 21 OZ
Details	Rezoning, Standard	Application Date:	December 30, 2015
Municipal Address:	1996 BATHURST ST		
Location Description:	PLAN 511 LOTS 10 & 11 PT LOT 9 **GRID S2102		
Project Description:	To demolish the two existing rental apartment buildings and to construct two 6-storey rental apartment buildings. The buildings will contain a total of 112 residential units, including 62 rental replacement units. A 2-level below grade parking garage is proposed to extend beneath both buildings at 1996-2000 Bathurst St.		

Applicant:	Agent:	Architect:	Owner:
ROBERT GLOVER (Bousfields Inc), 3 Church Street, Unit 200, Toronto ON, M5E 1M2	ROBERT GLOVER (Bousfields Inc), 3 Church Street, Unit 200, Toronto ON, M5E 1M2	QUADRANGLE, 901 King Street West, Suite 701, Toronto ON, M5V 3H5	MAR-KAL PROPERTY MANAGEMENT, 525 Chaplin Cres, Suite 104, Toronto ON, M5N 2N2

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	RM (u3) (x253)	Historical Status:	N
Height Limit (m):	11 metres	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2,506	Height:	Storeys:	6
Frontage (m):	109.4		Metres:	18.9 (Phase A) 19.7 (Phase B)
Depth (m):	31			
Total Ground Floor Area (sq. m):	903			Total
Total Residential GFA (sq. m):	8,611		Parking Spaces:	66
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	8,611			
Lot Coverage Ratio (%):	43			
Floor Space Index:	3.44			

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	14
1 Bedroom:	59
2 Bedroom:	39
3 + Bedroom:	0
Total Units:	112

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	8,611	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT:	PLANNER:	David Driedger
	TELEPHONE:	416-392-7613
	EMAIL:	David.Driedger@toronto.ca

Attachment 8: Draft Zoning By-law Amendment (569-2013)

CITY OF TORONTO

BY- LAW No. XXX-2017

To amend the City of Toronto By-law No. 569-2013, as amended, with respect to lands municipally known in the year 2017 as 1996, 1998 and 2000 Bathurst Street.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*,

WHEREAS the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

WHEREAS pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

WHEREAS the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

2. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by the heavy lines to RM (u115) (x39) as shown on Diagram 2 attached to this By-law.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.6.10 Exception Number 39 so that it reads:

Exception RM (39)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 1996, 1998 and 2000 Bathurst Street, if the requirements of Section 4 and Schedule A of By-law XXX-2017 are complied with, none of the provisions of Sections 10.5.50.10(5); 10.5.100.1(5); 10.80.40.80(2); and 200.15.1.5, apply to prevent the erection or use of a **building, structure**, addition or enlargement if it is in compliance with regulations (B) to (L) below;
- (B) Despite regulation 5.10.40.70(1) and clause 10.80.40.70, a **building or structure** must be located entirely within the area delineated by heavy lines shown on Diagram 3 of By-law XXX-2017;
- (C) Despite regulation 10.5.40.10(1), the **height** of a **building or structure** is measured from the Canadian Geodetic Datum elevation of 171.32 metres in the year 2017;
- (D) Despite regulation 10.80.40.10(1), no portion of any **building** may exceed the **height** in metres specified by the numbers following the symbol H on Diagram 3 of By-law XXX-2017;
- (E) In addition to those elements listed in regulation 10.5.40.10(3), the following **building** elements and **structures** are permitted to extend a maximum of 3.0 metres above the heights shown on Diagram 3 of By-law XXX-2017:

- (i) light fixtures, parapets, pergolas, trellises, terraces, planters, guardrails, balustrades, railings, stair enclosures, and screens; and
- (F) In addition to those elements listed in clause 10.5.40.60, the following **building** elements and **structures** are permitted to extend into the required **building** setbacks shown on Diagram 3 of By-law XXX-2017:
- (i) wind screens, parapets, guard rails, railings and dividers, pergolas, trellises, eaves, roof drainage, lightning rods, architectural features, landscaping, and elements of a green roof are permitted to extend a maximum of 1.5 metres into the required **building** setbacks shown on Diagram 3 of By-law XXX-2017; and
- (G) Despite regulation 10.5.5.10.(4), a minimum of 15% of the area of the **lot** must be **landscaping**, of which a minimum of 30% must be **soft** landscaping;
- (H) The maximum permitted **gross floor area** is 9,000 square metres;
- (I) **Amenity space** must be provided and maintained on the **lot** at a minimum rate of 3.5 square metres for each **dwelling unit**, of which:
- (i) indoor **amenity space** must be provided at a minimum rate of 2.6 square metres for each **dwelling unit**; and
 - (ii) outdoor **amenity space** must be provided at a minimum rate of 0.9 square metres for each **dwelling unit**, and
- (J) Despite clause 200.5.10.1, the minimum number of required **parking spaces** is based on the following:
- (i) 0.6 **parking spaces** for each bachelor **dwelling unit**;
 - (ii) 0.7 **parking spaces** for each 1-bedroom **dwelling unit**;
 - (iii) 0.9 **parking spaces** for each 2-bedroom **dwelling unit**;
 - (iv) 1.0 **parking spaces** for each 3-bedroom **dwelling unit**;

- (v) 0.1 **visitor parking spaces** must be provided for each **dwelling unit**;
- (vi) In addition to (i) to (v) above, 12 **parking spaces** must be provided in Phase A, as shown on Diagram 3 of By-law XXX-2017, to replace the existing 12 **parking spaces** and 13 **parking spaces** must be provided in Phase B, as shown on Diagram 3 of By-law XXX-2017, to replace the existing 13 **parking spaces**;
- (vii) for each **car-share parking space** provided, the minimum number of **parking spaces** for residents required pursuant to (i) to (iv) above, may be reduced by four **parking spaces**, up to a maximum of 7 **car-share parking spaces**; where:
 - a. "**car-share**" means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit **car-sharing** organization and such **car-share** motor vehicles are made available to at least the occupants of the **building** for short-term rental; and
 - b. "**car-share parking space**" means a **parking space** reserved for the exclusive use of parking a **car-share** motor vehicle and must include appropriate signage.
- (viii) notwithstanding any provision of this subsection, for each **car-share parking space** provided on the **lot**, which is a **parking space** used exclusively for the parking of a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the **lot**, the minimum resident parking required may be reduced by four **parking spaces**, up to a maximum reduction as calculated by the following formula: $4 \times (\text{the total number of } \mathbf{dwelling\ units} \text{ within the } \mathbf{building} \text{ divided by } 60)$, rounded down to the nearest whole number; and
- (K) A minimum of one Type G **loading space** is required; and
- (L) Perpendicular access to a Type "G" **loading space** from a public lane is permitted.

Prevailing By-laws and Prevailing Sections (None Apply)

4. Section 37 Provisions

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A of this By-law are satisfied.

ENACTED AND PASSED this _____ day of _____, 2017.

JOHN TORY
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 2 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

- a. Prior to issuance of an above grade building permit, the Owner shall make an indexed cash contribution to the City in the amount of \$150,000 (\$75,000 to be paid prior to the issuance of an above grade building permit for Phase A and \$75,000 to be paid prior to the issuance of an above grade building permit for Phase B) to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, toward any one or more of the following:
 - i. Local streetscape improvements;
 - ii. Local parks improvements; and
 - iii. Improvements to local community facilities.

Such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

- b. In the event the cash contribution referred to in Section a has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- c. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 1. The Owner shall pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report, to be submitted for review and acceptance by the Executive Director of Engineering & Construction Services, should it be determined that improvements to such infrastructure are required to support this development.

2. The Owner shall replace the existing rental dwelling units to the satisfaction of City Council in accordance with standard practice and policies, as required. The terms regarding replacement will be secured in the Section 111 permit/agreement, zoning bylaw amendment and Section 37 agreement(s), as required;
3. The Owner shall provide and maintain not less than thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street and twenty-three (23) replacement rental dwelling units at 1998-2000 Bathurst Street with all thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street and twenty-two (22) replacement rental dwelling units at 1998-2000 Bathurst Street having affordable rents and one (1) two-bedroom replacement rental dwelling unit at 1998-2000 Bathurst Street having mid-range rent, subject to the following:
 - a. The thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street and twenty-three (23) replacement rental dwelling units at 1998-2000 Bathurst Street shall be provided with all related facilities and services, and generally be of a similar size and unit mix as the existing units on the site at the date of enactment of this By-law, with any modifications to the satisfaction of the Chief Planner, subject to the following:
 - i. The replacement rental dwelling units shall comprise eight (8) bachelor units, twenty-four (24) one-bedroom units, and seven (7) two-bedroom units at 1996 Bathurst Street and six (6) bachelor units and seventeen (17) two-bedroom units at 1998-2000 Bathurst Street, as shown on the plans submitted to the City Planning Division dated September 23, 2016 with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - ii. The combined floor areas of the thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street will not be less than 2,344 square metres, subject to the following: each of the eight (8) bachelor units shall be not less than 44.6 square metres; each of the twenty-four (24) one-bedroom units shall be not less than 54.0 square metres, with at least thirteen (13) of the twenty-four (24) being no less than 67.0 square metres; and each of the seven (7) two-bedroom units shall be not less than 72.3 square metres, with at least four (4) of the seven (7) being not less than 100.1 square metres;
 - iii. The combined floor areas of the twenty-three (23) replacement rental dwelling units at 1998-2000 Bathurst Street will not be less than 1,736 square metres subject to

the following: each of the six (6) bachelor units shall be not less than 40.0 square metres, with at least three (3) of the six (6) being no less than 60.1 square metres; and each of the seventeen (17) two-bedroom units shall be not less than 69.1 square metres, with the exception of one (1) unit which shall not be less than 63.5 square metres, and at least five (5) two-bedroom units shall not be less than 82.5 square metres with at least another four (4) being not be less than 94.1 square metres;

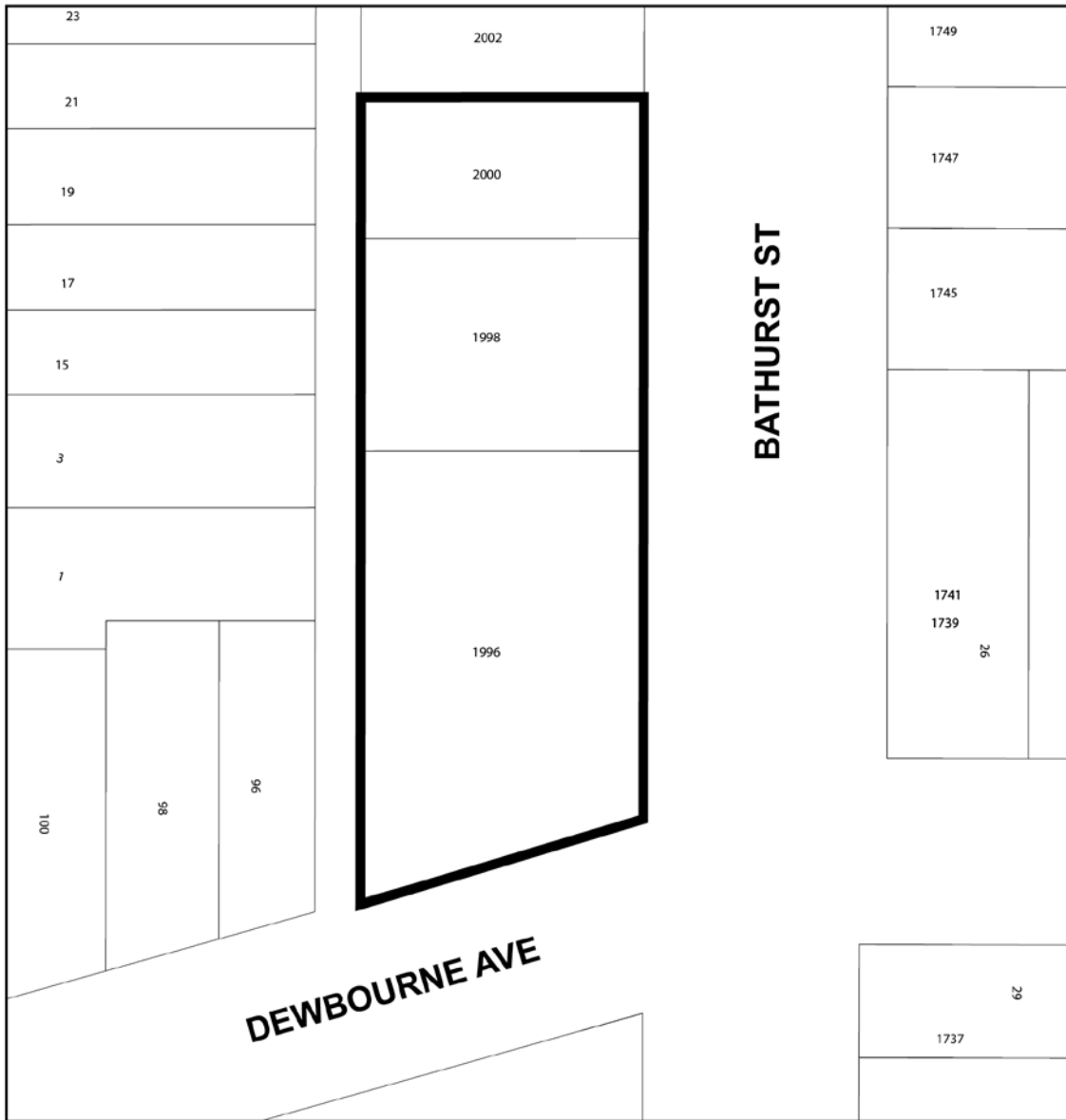
- iv. Each of the bedrooms in the 62 replacement rental dwelling units shall have an exterior, openable window;
 - v. Replacement rental dwelling units shall be contiguous to each other;
 - vi. The minimum unit sizes listed above and to be specified in the Section 37 agreement may vary by a maximum of 3 percent but only as a result of reasonable adjustments that may need to be made for the purposes of accommodating required final structural or mechanical design. Any such change to the minimum unit sizes will be to the satisfaction of the Chief Planner; and
 - vii. A minimum of 13 resident parking spaces at 1996 Bathurst Street and 12 resident parking spaces at 1998-2000 Bathurst Street shall be made available for the use of the replacement rental dwelling units;
- b. The sixty-two (62) replacement rental dwelling units shall be maintained as rental housing units for at least 20 years, beginning with the date each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental housing units to be maintained as rental units. No application may be submitted for condominium registration, or for any other conversion to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period;
4. The Owner shall provide and maintain affordable rents charged to the tenants who rent each of the sixty-one (61) designated affordable replacement rental dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type inclusive of basic utility costs, and upon

turnover, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recent Fall Update Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases;

5. The Owner shall provide and maintain rents no greater than mid-range rents charged to the tenant(s) who rents the one (1) mid-range replacement rental dwelling units with mid-range rent during the first 10 years of occupancy, with mid-range rents determined on the same basis as Section 3 above except that maximum mid-range rent shall not exceed an amount that is 1.5 times the average market rent by unit type inclusive of basic utility costs;
6. Rents charged to tenants occupying a new replacement rental dwelling unit at the end of the 10-year period set forth in Sections 4 and 5 above shall be subject only to increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit or until the expiry of the rental tenure period set forth in Section 3.b) above with a phase-in period of at least three years to unrestricted rents;
7. Rents charged to tenants newly occupying a new replacement rental dwelling unit after the completion of the 10-year period set forth in 4 and 5 above will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement;
8. All of the replacement rental dwelling units shall be ready and available for occupancy no later than the date by which 80 percent of the other dwelling units erected on the lot pursuant to this By-law amendment are available and ready for occupancy;
9. The Owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental building, in accordance with the more detailed "Tenant Relocation and Assistance Plan", to the satisfaction of the Chief Planner and Executive Director, City Planning. The assistance shall include at least:
 - i. an extended notice period before having to vacate for demolition;
 - ii. the right to return to a rental replacement unit; and
 - iii. all affected tenants shall receive financial assistance to assist with relocation beyond the amounts required by

provincial legislation, with extra provisions for tenants with special needs;

10. The Owner shall provide, at its expense and to the satisfaction of the Chief Planner and Executive Director, City Planning Division, a tenant Construction Mitigation Strategy and Communication Plan for the development prior to the issuance of the first building permit for the development, and agrees to implement same;
11. The Owner shall enter into, and register on title, one or more Section 111 Agreement(s) to secure the conditions outlined above and as detailed in the Draft Zoning By-law Amendments (Attachment Nos. 8 and 9) to the report from the Director, Community Planning, Toronto and East York District dated January 26, 2017, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and
12. The Owner shall enter into, and register on title, a Section 118 Restriction under the *Land Titles Act*, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the sixty-two (62) replacement rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.



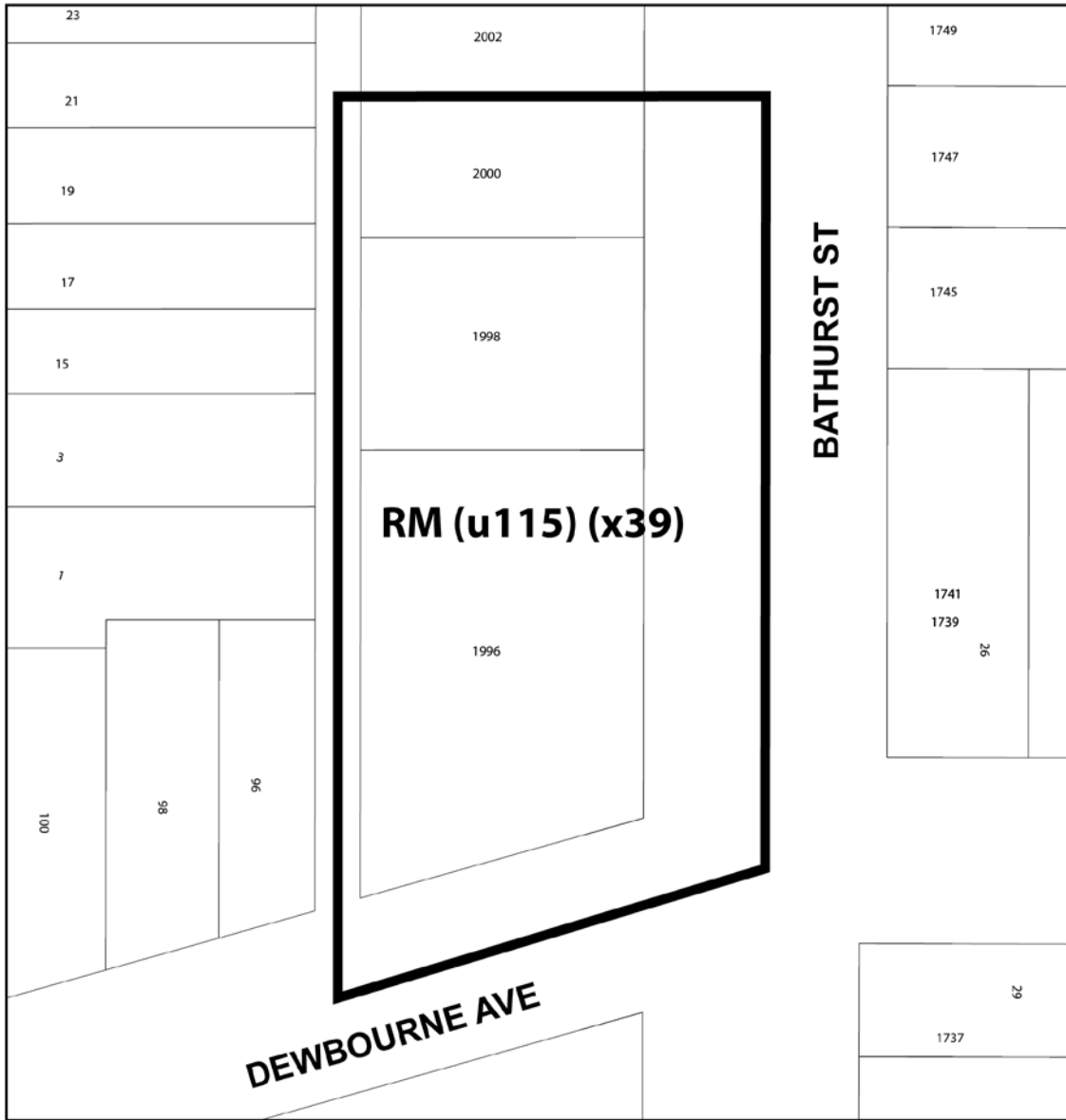
TORONTO
Diagram 1

1996-2000 Bathurst Street

File # 15 270565 STE 21 OZ



City of Toronto By-Law 569-2013
Not to Scale
01/20/2017



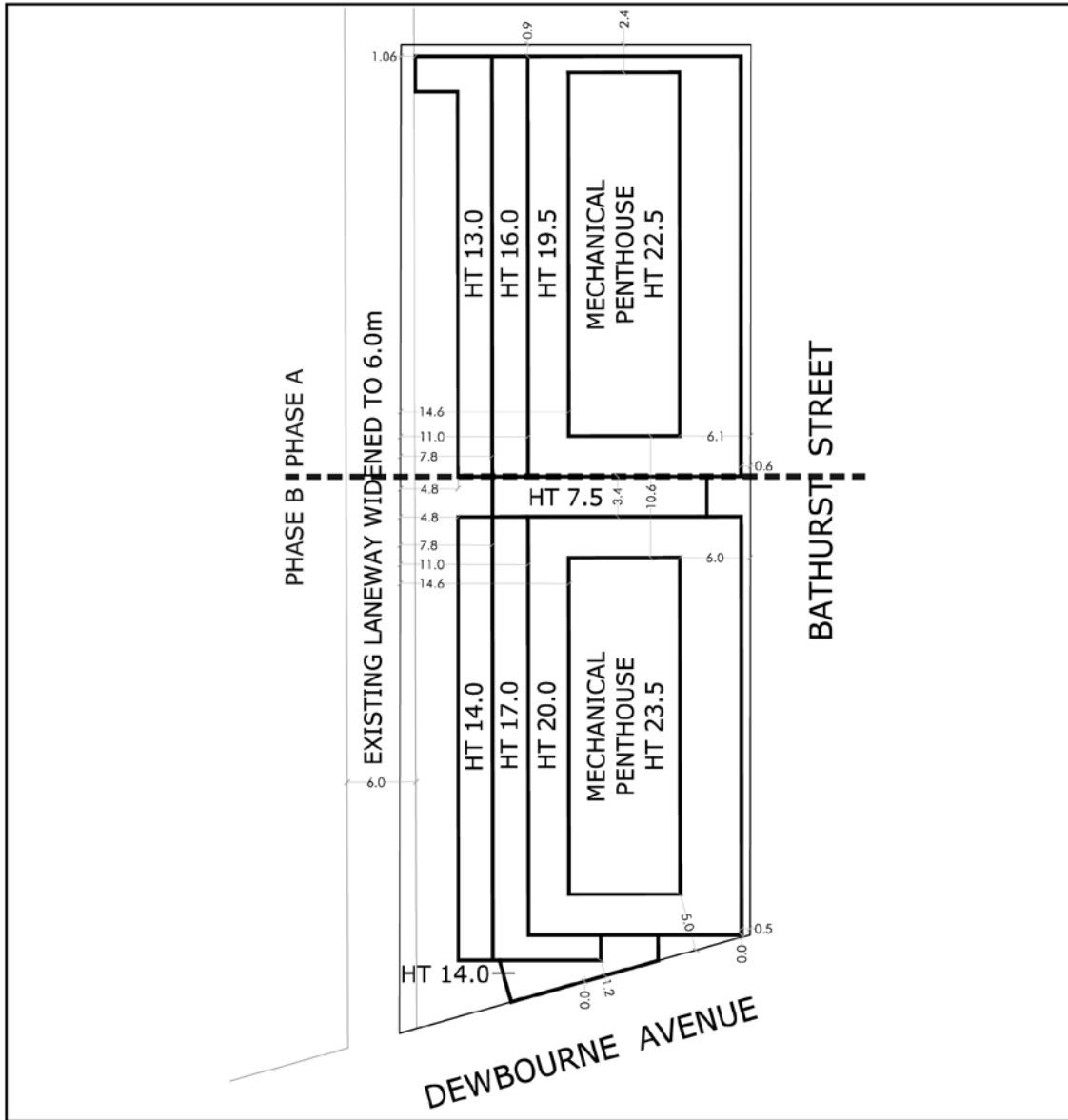
 **TORONTO**
Diagram 2

1996-2000 Bathurst Street

File # 15 270565 STE 21 OZ



City of Toronto By-Law 569-2013
Not to Scale
02/03/2017



TORONTO
Diagram 3

1996-2000 Bathurst Street

File # 15 270565 STE 21 OZ



City of Toronto By-Law 569-2013
 Not to Scale
 01/20/2017

Attachment 9: Draft Zoning By-law Amendment (1-83)

CITY OF TORONTO

BY-LAW No. XXXX-2017

To amend former City of York Zoning By-law No. 1-83, as amended, with respect to the lands municipally known in the year 2017 as 1996, 1998 and 2000 Bathurst Street.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*,

WHEREAS the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

WHEREAS pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

WHEREAS the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by No. 1-83 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. That Section 6 Amendments of Use Districts and District Maps of the former City of York Zoning By-law No. 1-83, as amended, be further amended by adding a new Subsection (XXX) as follows:

**“Lands – 1996, 1998 and 2000 Bathurst Street
(XXX) Map 15**

By changing the area shown on District Map 15 more particularly shown on Schedule ‘A’ hereto from R3 – Residential Zone to R3-Residential Zone and Section 16 (XXX).

2. That Section 16 General Exceptions of the former City of York By-law No. 1-83, as amended, be further amended by adding a new subsection (XXX) as follows:

(XXX) LANDS: 1996, 1998 and 2000 Bathurst Street

Notwithstanding the provisions of former City of York Zoning By-law 1-83, the lot, as delineated by heavy lines on Schedule “A” attached to and forming part of this By-law, and municipally known as 1996, 1998 and 2000 Bathurst Street, may be used for the purposes of an apartment house and accessory buildings and structures subject to the following provisions:

MAXIMUM GROSS FLOOR AREA

- (a) The maximum residential gross floor area on the lot shall not exceed 9,500 square metres;

NUMBER OF DWELLING UNITS

- (b) A maximum of 115 dwelling units is permitted, 62 of which will replace the existing 62 rental units on the site;

MAXIMUM FLOOR SPACE INDEX

- (c) That maximum floor space index on the lot shall not exceed 4.0 and for the purposes of calculating floor space index shall exclude any roof top mechanical room and stair access to the roof;

BUILDING HEIGHT

- (d) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule “B” attached to and forming part of this By-law, excluding: equipment serving the building, elevator overruns, mechanical equipment and any associated enclosure structures, mechanical penthouse, stairs, stair enclosures, vents, chimneys, equipment for heating, cooling or

ventilating, and lightning rods, which may project a maximum of 5.0 metres above the height limits shown on Schedule 'B'.

- (e) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule "B" attached to and forming part of this By-law, excluding: wind or privacy screens, pergolas, trellises, dividers/screens, landscaping, and fences, which may project a maximum of 3.0 metres above the height limits shown on Schedule 'B'.
- (f) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule "B" attached to and forming part of this By-law, excluding: eaves, decorative architectural features, window washing equipment, guardrails, balustrades, safety railings, bollards, wheel chair ramps, cornices, parapets, roof drainage, architectural features, and elements of a green roof, which may project a maximum of 1.5 metres above the height limits shown on Schedule 'B'.

YARD SETBACKS

- (g) The minimum yard setbacks shall be as shown on Schedule "B" attached to and forming part of this By-law except that bollards, wheel chair ramps, vents, wind or privacy screens, landscape elements, terraces, outdoor furniture, trellises, safety railings, fences, guardrails, stairs, railings, stair enclosures, play structures, retaining walls, and garage vent shafts shall be permitted to encroach into the required yard setbacks;
- (h) The minimum yard setbacks shall be as shown on Schedule "B" attached to and forming part of this By-law except that accessory buildings and structures, cornices, canopies, balconies, awnings, heating, cooling or ventilating equipment, ornamental elements, lighting fixtures, parapets, eaves, architectural features, and window wells shall be permitted to encroach a maximum of 1.5 metres into the required yard setbacks;

PARKING

- (i) A parking space shall be a minimum of 2.6 metres wide and a minimum of 5.6 metres long, and where a parking space is limited by a wall or other permanent obstruction the parking space minimum width is increased by 0.3 metres for each side of the space that is obstructed;

- (j) An accessible parking space shall be a minimum of 3.9 metres wide and a minimum of 5.6 metres long;
- (k) Vehicle parking shall be provided and maintained on the lot as follows:
 - (i) 0.6 parking spaces per bachelor dwelling unit, excluding any rental replacement dwelling unit;
 - (ii) 0.7 parking spaces per 1-bedroom dwelling unit, excluding any rental replacement dwelling unit;
 - (iii) 0.9 parking spaces per 2-bedroom dwelling unit, excluding any rental replacement dwelling unit;
 - (iv) 1.0 parking spaces per 3-bedroom dwelling unit, excluding any rental replacement dwelling unit;
 - (v) 12 parking spaces will be provided in Phase A to replace the existing 12 parking spaces (as identified on Schedule B) and 13 parking spaces will be provide in Phase B to replace the existing 13 parking spaces (as identified on Schedule B), in association with the provided rental replacement dwelling units; and
 - (vi) 0.1 visitor parking spaces per dwelling unit, including all rental replacement dwelling units;
- (l) Notwithstanding (k), for each car-share parking space provided on the lot, the minimum resident parking required may be reduced by four parking spaces, up to a maximum reduction as calculated by the following formula: $4 \times (\text{the total number of dwelling units within the building divided by } 60)$, rounded down to the nearest whole number;
- (m) The minimum driveway aisle width shall be 6.0 metres, accessed from the rear laneway;

BICYCLE PARKING

- (n) Bicycle parking spaces shall be provided and maintained on the lot as follows:
 - (i) 0.9 bicycle parking spaces per dwelling unit for residents; and
 - (ii) 0.1 bicycle parking spaces per dwelling unit for visitors.

AMENITY

- (o) Amenity space shall be provided and maintained at a minimum rate of 3.5 square metres for each dwelling unit, of which indoor amenity space shall be provided at a minimum rate of 2.6 square metres for each dwelling unit and outdoor amenity space shall be provided at a rate of 0.9 square metres per dwelling unit;

PHASING

- (p) Nothing shall prevent the phased erection and use of the buildings shown on Schedule B, identified as Phase A and Phase B, including the case where an existing building on the lot has been retained and continues to be in use while a new building has been constructed and is also in use.

SEVERANCE

- (q) The provisions of this exception shall apply collectively to the lot notwithstanding the future severance, partition, or division of the lot;

LEASING PRESENTATION CENTRE

- (r) None of the provisions of By-law 1-83 shall apply to prevent a temporary sales/leasing office on the lot as of the date of the passing of this By-law;

REFUSE HANDLING

- (s) Refuse shall be stored and maintained within a refuse room located on the ground floor. Vehicular access to the refuse room shall be provided from the rear lane.

LOADING

- (t) One Type "G" loading space shall be provided, with a minimum length of 13 metres and a minimum width of 4 metres;
- (u) Perpendicular access to the Type "G" loading space from the rear lane is permitted;

DEFINITIONS

- (v) For the purposes of this By-law the following definitions shall apply:

- (i) “bicycle parking space” means an area used for parking or storing a bicycle;
- (ii) “car share” means the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization. To use a car-share vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Vehicles are reserved in advance and fees for use are normally based on time and/or charge fees based on kilometres driven;
- (iii) “car-share parking space” means a parking space exclusively reserved and used only for car-share purposes whereby the vehicle is accessible to at least the occupants of the buildings;
- (iv) “established grade” means an elevation of 171.32 metres Canadian Geodetic Datum;
- (v) “height” means the vertical distance between established grade and the highest point of the building or structure, excluding mechanical penthouse; and
- (vi) “rental replacement dwelling unit” means a dwelling unit which replaces one of the rental units existing on the lot at the time of enactment of this By-law, as required pursuant to Section 111 of the *City of Toronto Act, 2006*, S.O. 2006, c. 11 and Schedule A of this By-law;

OTHER PROVISIONS

- (w) No person shall use land or erect or use any building or structure on the lot unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (i) All new public roads have been constructed to a minimum base curb and base asphalt and are connected to an existing public highway; and
 - (ii) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational;
- (x) Nothing shall prevent the phased erection and use of the buildings shown on Schedule ‘B’, including the case where an existing building on the lot has been retained and continues to be in use while a new building has been constructed and is also in use.

- (y) All other provisions of former City of York By-law No. 1-83 shall continue to apply except in the case where provisions of this Exception are in conflict, in which case the provisions of this Exception shall prevail.

3. Section 37 Provisions

- (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule A in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (b) Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Appendix 1 of this By-law are satisfied.

Enacted and passed on _____, 2017.

JOHN TORY
Mayor

ULLI S. WATKISS
City Clerk

(Seal of the City)

Appendix 1

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 2 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

- b. Prior to issuance of an above grade building permit, the Owner shall make an indexed cash contribution to the City in the amount of \$150,000 (\$75,000 to be paid prior to the issuance of an above grade building permit for Phase A and \$75,000 to be paid prior to the issuance of an above grade building permit for Phase B) to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, toward any one or more of the following:
 - i. Local streetscape improvements;
 - ii. Local parks improvements; and
 - iii. Improvements to local community facilities.

Such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

- b. In the event the cash contribution referred to in Section a has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- c. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - 1. The Owner shall pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report, to be submitted for review and acceptance by the Executive Director of Engineering & Construction Services, should it be determined that improvements to such infrastructure are required to support this development.

2. The owner shall replace the existing rental dwelling units to the satisfaction of City Council in accordance with standard practice and policies, as required. The terms regarding replacement will be secured in the Section 111 permit/agreement, zoning bylaw amendment and Section 37 agreement(s), as required;
3. The Owner shall provide and maintain not less than thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street and twenty-three (23) replacement rental dwelling units at 1998-2000 Bathurst Street with all thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street and twenty-two (22) replacement rental dwelling units at 1998-2000 Bathurst Street having affordable rents and one (1) two-bedroom replacement rental dwelling unit at 1998-2000 Bathurst Street having mid-range rent , subject to the following:
 - a. The thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street and twenty-three (23) replacement rental dwelling units at 1998-2000 Bathurst Street shall be provided with all related facilities and services, and generally be of a similar size and unit mix as the existing units on the site at the date of enactment of this By-law, with any modifications to the satisfaction of the Chief Planner, subject to the following:
 - i. The replacement rental dwelling units shall comprise eight (8) bachelor units, twenty-four (24) one-bedroom units, and seven (7) two-bedroom units at 1996 Bathurst Street and six (6) bachelor units and seventeen (17) two-bedroom units at 1998-2000 Bathurst Street, as shown on the plans submitted to the City Planning Division dated September 23, 2016 with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - ii. The combined floor areas of the thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street will not be less than 2,344 square metres, subject to the following: each of the eight (8) bachelor units shall be not less than 44.6 square metres; each of the twenty-four (24) one-bedroom units shall be not less than 54.0 square metres, with at least thirteen (13) of the twenty-four (24) being no less than 67.0 square metres; and each of the seven (7) two-bedroom units shall be not less than 72.3 square metres, with at least four (4) of the seven (7) being not less than 100.1 square metres;
 - iii. The combined floor areas of the twenty-three (23) replacement rental dwelling units at 1998-2000 Bathurst Street will not be less than 1,736 square metres subject to

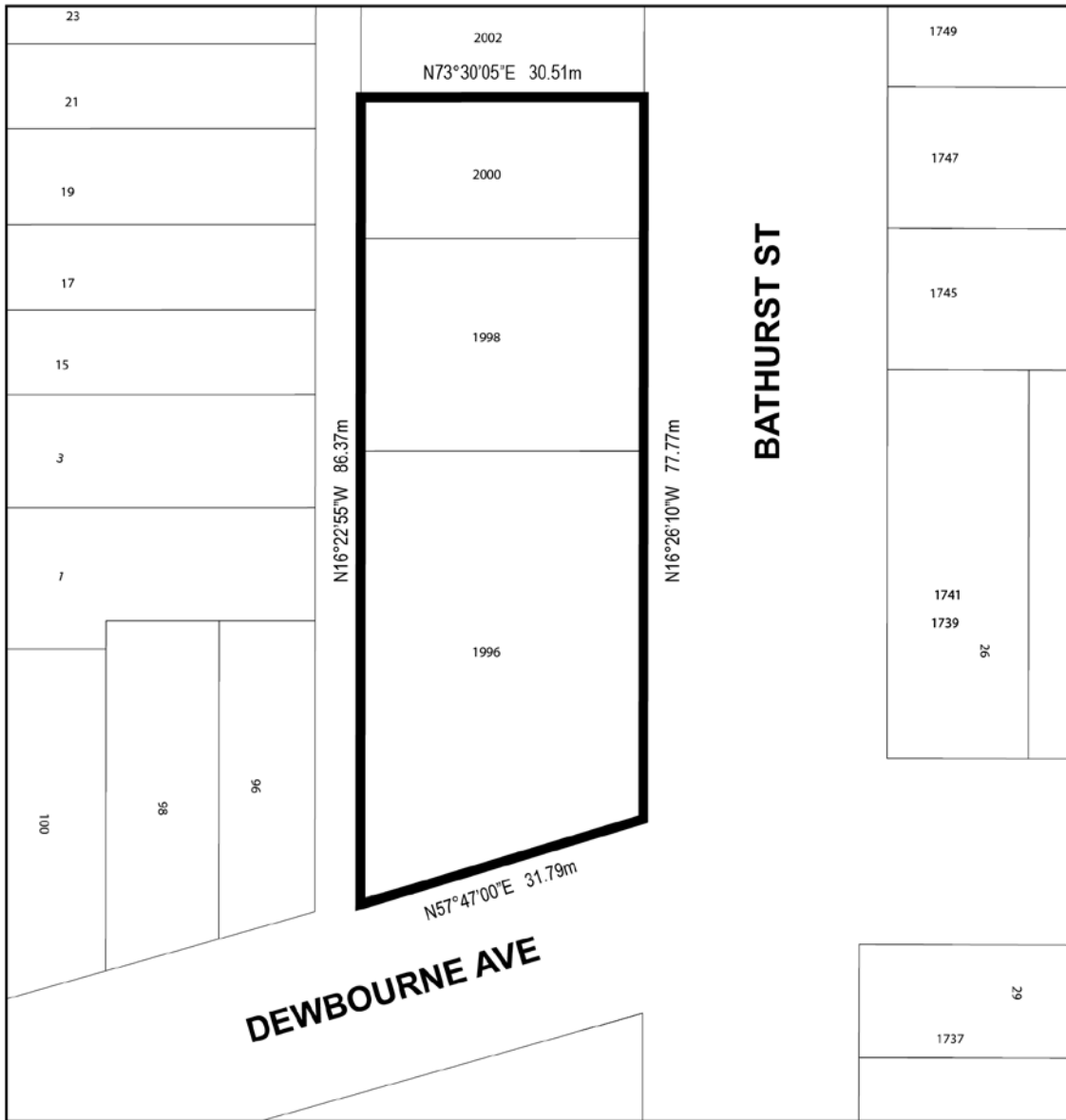
the following: each of the six (6) bachelor units shall be not less than 40.0 square metres, with at least three (3) of the six (6) being no less than 60.1 square metres; and each of the seventeen (17) two-bedroom units shall be not less than 69.1 square metres, with the exception of one (1) unit which shall not be less than 63.5 square metres, and at least five (5) two-bedroom units shall not be less than 82.5 square metres with at least another four (4) being not be less than 94.1 square metres;

- iv. Each of the bedrooms in the 62 replacement rental dwelling units shall have an exterior, openable window;
 - v. Replacement rental dwelling units shall be contiguous to each other;
 - vi. The minimum unit sizes listed above and to be specified in the Section 37 agreement may vary by a maximum of 3 percent but only as a result of reasonable adjustments that may need to be made for the purposes of accommodating required final structural or mechanical design. Any such change to the minimum unit sizes will be to the satisfaction of the Chief Planner; and
 - vii. A minimum of 13 resident parking spaces at 1996 Bathurst Street and 12 resident parking spaces at 1998-2000 Bathurst Street shall be made available for the use of the replacement rental dwelling units;
- b. The sixty-two (62) replacement rental dwelling units shall be maintained as rental housing units for at least 20 years, beginning with the date each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental housing units to be maintained as rental units. No application may be submitted for condominium registration, or for any other conversion to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period;
4. The owner shall provide and maintain affordable rents charged to the tenants who rent each of the sixty-one (61) designated affordable replacement rental dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type inclusive of basic utility costs, and upon

turnover, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recent Fall Update Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases;

5. The owner shall provide and maintain rents no greater than mid-range rents charged to the tenant(s) who rents the one (1) mid-range replacement rental dwelling units with mid-range rent during the first 10 years of occupancy, with mid-range rents determined on the same basis as Section 3 above except that maximum mid-range rent shall not exceed an amount that is 1.5 times the average market rent by unit type inclusive of basic utility costs;
6. Rents charged to tenants occupying a new replacement rental dwelling unit at the end of the 10-year period set forth in Sections 3 and 4 above shall be subject only to increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit or until the expiry of the rental tenure period set forth in Section 3.b) above with a phase-in period of at least three years to unrestricted rents;
7. Rents charged to tenants newly occupying a new replacement rental dwelling unit after the completion of the 10-year period set forth in Sections 4 and 5 will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement;
8. All of the replacement rental dwelling units shall be ready and available for occupancy no later than the date by which 80 percent of the other dwelling units erected on the lot pursuant to this By-law amendment are available and ready for occupancy;
9. The Owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental building, in accordance with the more detailed "Tenant Relocation and Assistance Plan", to the satisfaction of the Chief Planner and Executive Director, City Planning. The assistance shall include at least:
 - i. an extended notice period before having to vacate for demolition;
 - ii. the right to return to a rental replacement unit; and

- iii. all affected tenants shall receive financial assistance to assist with relocation beyond the amounts required by provincial legislation, with extra provisions for tenants with special needs;
10. The Owner shall provide, at its expense and to the satisfaction of the Chief Planner and Executive Director, City Planning Division, a tenant Construction Mitigation Strategy and Communication Plan for the development prior to the issuance of the first building permit for the development, and agrees to implement same;
11. The Owner shall enter into, and register on title, one or more Section 111 Agreement(s) to secure the conditions outlined above and as detailed in the Draft Zoning By-law Amendments (Attachment Nos. 8 and 9) to the report from the Director, Community Planning, Toronto and East York District dated January 26, 2017, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and
12. The Owner shall enter into, and register on title, a Section 118 Restriction under the *Land Titles Act*, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the sixty-two (62) replacement rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.



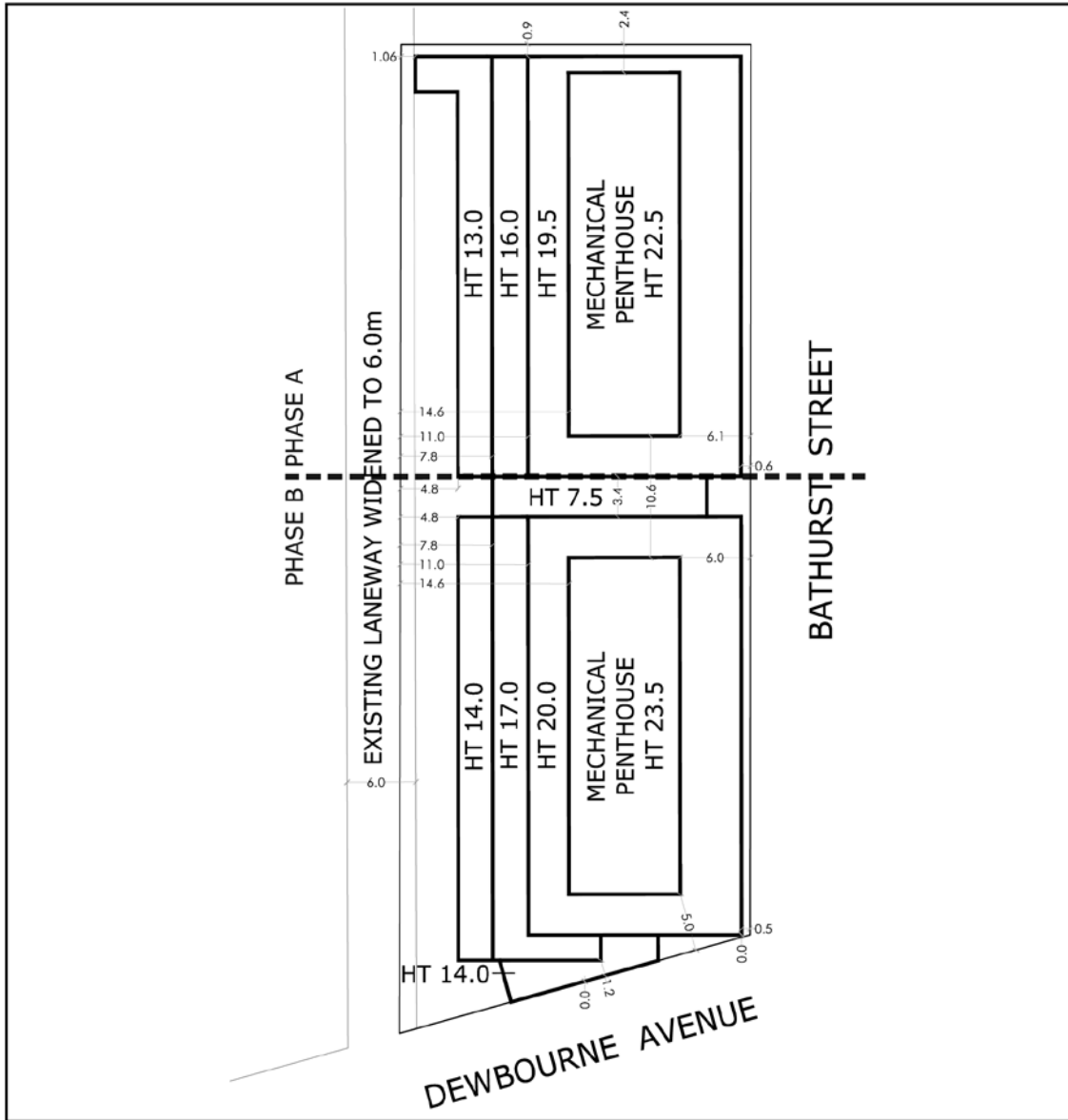
TORONTO
Schedule A

1996-2000 Bathurst Street

File # 15 270565 STE 21 OZ



City of Toronto By-Law 438-86
Not to Scale
01/20/2017



TORONTO
 Schedule B

1996-2000 Bathurst Street

File # 15 270565 STE 21 OZ



City of Toronto By-Law 438-86
 Not to Scale
 01/20/2017